

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY
TRENTON VICINAGE

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_____ X
:
CRAIG CHIULLI and NICOLE:
CHIULLI, Husband and Wife, :
:
Plaintiffs, : Civil Action No.
:
vs. :
:
DONALD W. FAUGHT, JR., :
SHANNON M. FAUGHT, JOHN :
DOES (1-99), and JOHN DOE :
ENTITIES (A-Z), :
:
Defendants. :
:
_____ X

COMPLAINT AND DEMAND FOR JURY TRIAL -- PUNITIVE DAMAGES
REQUESTED

Plaintiffs, Craig Chiulli and Nicole Chiulli, say:

PRELIMINARY STATEMENT

1. This lawsuit arises from the Defendants' misappropriation of non-public computer passwords to gain unauthorized and unlawful access to Plaintiff Craig Chiulli's social media accounts, to impersonate Plaintiff Craig Chiulli, and to use such accounts to post racial and other inflammatory statements falsely purported to be from Plaintiff Craig Chiulli at the height of the tensions and civil unrest in June 2020 surrounding the death of George Floyd.

2. Plaintiffs assert private causes of action under the U.S. Computer Fraud and Abuse Act, 18 U.S.C. §1030(g), and the U.S. Stored Communications Act, 18 U.S.C. §2707. Plaintiffs also assert state law claims.

THE PARTIES

3. Plaintiff Craig Chiulli is a natural person residing at 3 Merrill Court, Lopatcong, Warren County, NJ.

4. At all relevant times, Plaintiff Craig Chiulli has been a Director of Global Commercial Strategy for a large multinational pharmaceutical corporation.

5. Plaintiff Nicole Chiulli is a natural person residing at 3 Merrill Court, Lopatcong, Warren County, NJ.

6. At all relevant times, Plaintiff Nicole Chiulli has been Plaintiff's wife.

7. Defendant Donald W. Faught, Jr. is a natural person believed to be residing at 18 Plaza Road, Phillipsburg, Warren County, New Jersey.

8. Defendant Shannon M. Faught is a natural person believed to be residing at 18 Plaza Road, Phillipsburg, Warren County, New Jersey.

9. Upon information and belief, Defendant Shannon M. Faught has been at all relevant times the wife of Defendant Donald W. Faught, Jr.

10. JOHN DOES (1-99) are unknown Defendants named per Rule 4:26-4¹ who have involvement with wrongs alleged in this Complaint.

11. JOHN DOE ENTITIES (A-Z) are unknown Defendants named per Rule 4:26-4 who have involvement with wrongs alleged in this Complaint.

JURISDICTION AND VENUE

12. Subject matter jurisdiction is conferred to this Court per 28 U.S.C. § 1331, as this case arises under the laws of the United States of America.

13. This Court also has supplemental subject matter jurisdiction pursuant to 28 U.S.C. § 1367 as to the remaining claims.

¹ Derienzo v. Harvard Industries, Inc., 357 F.3d 348, 353 - 354 (3d Cir. 2004) (permitting the use of New Jersey's fictitious party pleading rule, N.J.R. 4:26-4, as part of Rule 15(c)(1) analysis).

14. The Court has in personam jurisdiction over the Defendants, as the Defendants are residents of the State of New Jersey and perpetrated the wrongs alleged herein at least partially within the State of New Jersey.

15. Venue is proper within this District per 28 U.S.C. § 1391(b), as the acts complained herein occurred within this District.

FACTS COMMON TO ALL CLAIMS

16. Plaintiffs are individuals and "persons."

17. Facebook, Inc. operates a social networking website, Facebook.com.²

18. Facebook has several products, including Instagram.

19. Facebook owns and operates the Instagram service, platform, and computers.³

20. Instagram is a photo and video sharing service, mobile application, and social network.

21. Instagram users can post photos and videos to their profiles.

² Facebook, Inc. v. Power Ventures, Inc., 844 F.3d 1058, 1062 (9th Cir. 2016) (judicially noticeable per Fed.R.Evd. 201. McTernan v. City of York, 577 F.3d 521, 526 (3d Cir. 2009) ("a court may take judicial notice of a prior judicial opinion.").

³ Facebook v. Brandttotal, Ltd., No. 3:20-cv-07182 (N.D. Cal) Complaint filed by Facebook, Document #1 on the docket, ¶13.

22. Instagram users can also view and comment on posts shared by others on Instagram.⁴

23. To create a Facebook or Instagram account, Facebook requires users to register with a unique username and password.

24. Registered users can create user profiles and include information about themselves, including email addresses, phone numbers, date of birth, and gender.⁵

25. Facebook users can create a personal profile – a web page within the site – and can connect with other users.⁶

26. All Facebook users must agree to Facebook's Terms of Service (available at <https://www.facebook.com/terms.php>) and other rules that govern access to and use of Facebook.⁷

27. Everyone who uses Instagram agrees to Instagram's Terms of Use and to other rules that govern access to and use of Instagram, including Instagram's Community Guidelines and Platform Policy.⁸

28. Instagram's Terms of Use and Section 3.2.1 of the Facebook Terms of Service prohibit users from "do[ing] . . .

⁴ Facebook v. Brandtotal, Ltd., No. 3:20-cv-07182 (N.D. Cal) Complaint filed by Facebook, Document #1 on the docket, ¶14.

⁵ Facebook v. Brandtotal, Ltd., No. 3:20-cv-07182 (N.D. Cal) Complaint filed by Facebook, Document #1 on the docket, ¶14.

⁶ See footnote 2.

⁷ Facebook v. Brandtotal, Ltd., No. 3:20-cv-07182 (N.D. Cal) Complaint filed by Facebook, Document #1 on the docket, ¶21; Facebook, Inc. v. Power Ventures, Inc., 844 F.3d at 1062 - 1063.

⁸ Facebook v. Brandtotal, Ltd., No. 3:20-cv-07182 (N.D. Cal) Complaint filed by Facebook, Document #1 on the docket, ¶22.

anything unlawful, misleading, [] or fraudulent" or facilitate or support others in doing so.⁹

29. Once registered, a Facebook user can create and customize her profile by adding personal information, photographs, or other content.¹⁰

30. A user can establish connections with other Facebook users by "friending" them; the connected users are thus called "friends."¹¹

31. A non-Facebook user generally may not use the website to send messages, post photographs, or otherwise contact Facebook users through their profiles.¹²

32. Facebook's computers that host Facebook and Instagram pages are connected directly or indirectly to the Internet.

33. At all relevant times, Plaintiff Craig Chiulli maintained private electronic accounts with several Internet social media providers, specifically with www.Facebook.com and Instagram.com.

34. At all relevant times, Plaintiff Craig Chiulli was the sole authorized user of these social media accounts.

⁹Facebook v. Brandtotal, Ltd., No. 3:20-cv-07182 (N.D. Cal) Complaint filed by Facebook, Document #1 on the docket, ¶23.

¹⁰ Facebook, Inc. v. Power Ventures, Inc., 844 F.3d at 1063.

¹¹ Ibid.

¹² Ibid.

35. Plaintiff Craig Chiulli maintained his social media account passwords in private, and did not provide Defendants or any other third parties with the means to access these social media accounts.

36. Specifically, Plaintiff Craig Chiulli never provided the passwords for his Facebook and Instagram accounts to Defendants nor did he authorize them to obtain and/or utilize the same.

37. Beginning in or around June 2020, Defendant Donald W. Faught, Jr., and Defendant Shannon M. Faught gained access to Plaintiff Craig Chiulli's Facebook and Instagram accounts and used such accounts, without Plaintiff Craig Chiulli's permission, to impersonate Plaintiff Craig Chiulli.

38. Without Plaintiff Craig Chiulli's permission, Defendants used said Facebook account to send sexually explicit images to several women.

39. Without Plaintiff Craig Chiulli's permission, Defendants used said Facebook account and Plaintiff Craig Chiulli's Instagram account to comment on and contact multiple female victims, including a then-twenty-year old female victim, in a suggestive and/or threatening manner.

40. The then-twenty-year-old victim lived nearby Plaintiffs.

41. After this victim responded on Instagram, Defendants, (again impersonating Plaintiff), sent sexually explicit images by way of text messaging and a forged Signal System No. 7 phone number

to hide Defendants' true identity and to make this victim believe that Plaintiff Craig Chiulli was engaging in this conduct.

42. This victim contacted the police.

43. At approximately 5:00 a.m. on June 19, 2020, without Plaintiff Craig Chiulli's permission, Defendants used Plaintiff's Facebook account to draft and send racially charged Facebook Live interactions, where Defendants made horrific and racist comments, falsely impersonating Plaintiff Craig Chiulli as the author.

44. These comments were screen-captured and then shared across multiple social media platforms on the Internet.

45. Third parties who read the horrific and racist comments falsely attributed to Plaintiff Craig Chiulli sent outraged emails complaining about him to various employees and/or representatives of his employer -- up to and including the CEO of said employer.

46. On or about June 20, 2020, Plaintiff Craig Chiulli's employer contacted him to inform him that there was a major problem.

47. Plaintiff Craig Chiulli spent the next three days with various employees and/or representatives of his employer combing through his computer to defend himself and prove that he did not do this.

48. On or about June 20, 2020, the Lopatcong Police Department arrived at Plaintiff Craig Chiulli's home to

investigate Plaintiff with regard to the aforesaid sexually explicit and inappropriate images.

49. Plaintiff Craig Chiulli immediately and voluntarily offered his phone to the police for analysis and inspection in order to clear his name.

50. Law enforcement personnel did take and review Plaintiff Craig Chiulli's phone's content, and found that he was not engaged in the above described Internet conduct.

51. Even though Plaintiff Craig Chiulli's Facebook page was cleaned to remove the offensive material described above, many of the comments and images are now posted on the Web and are clearly visible when "searching" Plaintiff Craig Chiulli's name -- even as of February 28, 2021. (See, e.g., Exhibit A.)

52. It will be nearly impossible to scrub the Internet of the offensive material Defendants posted on the Internet while falsely impersonating Plaintiff Craig Chiulli, and thus Plaintiffs will continue to suffer damages long into the future.

53. After a nine-month New Jersey State Police investigation, the police identified one of the previously unknown perpetrators as Defendant Donald W. Faught, Jr. residing at a jointly owned residence located at 18 Plaza Road, Phillipsburg, New Jersey, with his wife, Defendant Shannon M. Faught.

54. Defendant Shannon M. Faught was involved in the above by personal involvement and assistance, and by providing Defendant

Donald W. Faught, Jr. with the tools, and instrumentalities to engage in the acts alleged above.

55. Before the police identified one of the perpetrators as Defendant Donald W. Faught, Jr., Plaintiffs suffered extreme mental distress in not knowing who was engaging in the above actions, why they did so, and not knowing if the perpetrator was stalking Plaintiffs, had stolen their identity beyond Facebook and Instagram, or was someone that might seek to inflict even physical injury on the Plaintiffs and/or their family. This caused Plaintiffs not to feel safe even within their own residence, much less everywhere else.

56. The above actions of Defendants have resulted, at the very least, in the following as of the time of writing:

A. Plaintiff Craig Chiulli has been targeted on Facebook and other social media platforms by individuals across the country and globe.

B. Plaintiff Craig Chiulli and his family were the recipients of on-line threats to their safety and lives.

C. Plaintiff Craig Chiulli was caused to be an object of scorn nationally and internationally via the Internet.

D. Plaintiff Craig Chiulli's job was placed at serious risk.

E. Plaintiff Craig Chiulli's reputation at work and in his community was seriously compromised.

F. Plaintiff Craig Chiulli has had professional recruiters cease conversation post-search.

G. Plaintiff Craig Chiulli's current and future earning potential have been significantly impacted.

H. The emotional and mental impact of this situation has been severe and has been cause for many personal and family difficulties.

I. Plaintiffs have suffered a loss within the last year of over \$5,000.

J. Defendants caused a threat to public health and safety considering the timing and nature of Defendants' actions when there was widespread civil unrest across the United States surrounding the death of George Floyd -- some of which included arson, shootings, physical violence, and threats.

57. As a result of said unauthorized access described in the paragraph above, Defendants obtained non-public information from Facebook and Instagram computers pertaining to the Plaintiffs.

58. Defendants knowingly, and with intent to defraud by acting as imposters of Plaintiff Craig Chiulli, furthered said fraud by posting offensive material on Craig Chiulli's Facebook and Instagram pages hosted on Facebook and Instagram computers connected directly or indirectly to the Internet, thereby obtaining at least \$5,000 of value in the personal satisfaction of

knowing that, by acting as imposters, they were able to harm Plaintiff Craig Chiulli.

59. Defendants intentionally accessed Craig Chiulli's Facebook and Instagram pages hosted on Facebook and Instagram computers connected directly or indirectly to the Internet and caused Plaintiffs a loss.

CLAIMS

COUNT I: PRIVATE CAUSE OF ACTION UNDER U.S. COMPUTER FRAUD AND ABUSE ACT, 18 U.S.C. §1030(G)

60. Plaintiffs incorporate all of the aforementioned allegations by reference as if set forth at length herein.

61. Plaintiffs are individuals and thus "persons," per 18 U.S.C. § 1030(e)(12) and 18 U.S.C. § 1030(g).

62. Plaintiffs suffered losses as a result of the Defendants' aforesaid conduct, which conduct is a violation of 18 U.S.C. § 1030(a)(2)(C), 18 U.S.C. § 1030(a)(4), 18 U.S.C. § 1030(a)(5)(C), 18 U.S.C. § 1030(b), and involve the factors set forth in 18 U.S.C. § 1030(c)(4)(A)(i)(I) and 18 U.S.C. § 1030(c)(4)(A)(i)(IV).

63. Plaintiffs' losses as a result of the Defendant's aforesaid conduct include but are not limited to monetary costs and losses as to including the cost of responding to and investigating the Defendants' aforesaid conduct, retaining counsel and incurring counsel fees, litigation costs including but not

limited to expert costs, consequential damages due to loss of personal and professional reputation, pain and suffering, loss of enjoyment of life, mental distress, loss of employment opportunities, and other reasonable losses.

WHEREFORE, Plaintiffs demand Judgment against all Defendants, jointly and severally, for:

- A. Compensatory damages.
- B. Injunctive relief.
- C. Prejudgment and post judgment interest.
- D. For such further relief as is fair and equitable.

COUNT II: PRIVATE CAUSE OF ACTION UNDER U.S. STORED
COMMUNICATIONS ACT, 18 U.S.C. § 2701(a), 18 U.S.C. §
2707(a)

64. Plaintiffs incorporate all of the aforementioned allegations by reference as if set forth at length herein.

65. Plaintiffs are subscribers and other persons within the meaning of 18 U.S.C. § 2707(a).

66. As a result of the Defendant's aforesaid conduct, Defendants intentionally accessed without authorization a facility through which an electronic communication service was provided, intentionally exceeded an authorization to access that facility, and obtained and altered a wire or electronic communication while it is in electronic storage in such system.

WHEREFORE, Plaintiffs demand Judgment against all Defendants, jointly and severally, for:

- A. Actual damages suffered by the plaintiff and any profits made by the violator as a result of the violation.
- B. At a minimum statutory damages per 18 U.S.C. § 2707(c) for each violation.
- C. Punitive damages.
- D. The costs of the action, together with reasonable attorney fees.
- E. Prejudgment and post judgment interest.
- F. For such further relief as is fair and equitable.

COUNT III: PRIVATE CAUSE OF ACTION UNDER NEW JERSEY
COMPUTER RELATED OFFENSES ACT, N.J.S.A. 2A:38A-3

67. Plaintiffs incorporate all of the aforementioned allegations by reference as if set forth at length herein.

68. Plaintiffs are persons within the meaning of N.J.S.A. 2A:38A-3.

69. Plaintiffs were damaged in business or property, as the Plaintiffs' sustained damage to Plaintiff Craig Chiulli's data and information appearing in his Facebook and Instagram pages caused by the Defendant's aforesaid acts because:

A. Plaintiff is a high profile executive to a high profile company, which company markets to and has a large presence with the public at all relevant times, his Facebook and Instagram pages are public "windows" or "glimpses" to his good character and reputation, part of a public relations effort intended to bolster a positive image and reputation of Plaintiff and his employer.

B. De facto and under the law, the plaintiff has a property right as to his name, image, likeness, and good reputation.

C. Plaintiff's name, image, likeness and good reputation has value, as it contributes to his ability to maintain his current employment position and is an extremely

important factor to the future advancement of his career as a high level executive.

D. By the unauthorized access and alteration of Plaintiff's Facebook and Instagram pages, and by making the aforesaid posts thereon, data and information appearing in his Facebook and Instagram pages was changed from showing favorable "windows" or "glimpses" to his good character and reputation, to falsely showing extremely repugnant "windows" or "glimpses" to his character and reputation.

E. In fact the false repugnant "windows" or "glimpses" to Craig Chiulli's character and reputation were so weighty that multiple third parties complained to Plaintiff's employer and even demanded that Plaintiff be terminated from his employment, as alleged in more detail above.

F. Said unauthorized access and alteration of Plaintiff's Facebook and Instagram pages, and the third party reaction thereto were of such importance to Plaintiff's employer that the employer considered these events to be a major negative potential public relations issue involving the company itself and not pertaining to just one of its employees.

70. By their aforesaid conduct, the Defendants purposefully and/or knew, and without authorization, altered, damaged, took

and/or destroyed data, and/or a data base existing internally or externally to a computer, computer system or computer network.

71. By their aforesaid conduct, the Defendants purposefully and/or knew, and without authorization accessed and/or attempted to access a computer, computer system or computer network.

72. By their aforesaid conduct, the Defendants purposefully and/or knew, and without authorization accessed and recklessly altered, damaged, destroyed and/or obtained data and/or data bases.

WHEREFORE, Plaintiffs demand Judgment against all Defendants, jointly and severally, for:

- A. Compensatory damages.
- B. Punitive damages.
- C. Cost of the suit including a reasonable attorney's fee, costs of investigation and litigation.
- D. Prejudgment and post judgment interest.
- E. For such further relief as is fair and equitable.

COUNT IV: CONVERSION

73. Plaintiffs incorporate the aforementioned allegations by reference as if set forth at length herein.

74. Defendants wrongfully exercised dominion and control over money and other personal property belonging to Plaintiff Craig Chiulli.

75. Such exercise of dominion and control was in a manner inconsistent with and to the exclusion of the owner's rights.

31. As a result thereof, Plaintiffs suffered damages.

WHEREFORE, Plaintiffs demand Judgment against all Defendants, jointly and severally, for:

- A. Compensatory damages.
- B. Special Damages.
- C. Punitive damages.
- D. Costs of suit and counsel fees.
- E. Prejudgment and post judgment interest.
- F. For such further relief as is fair and equitable.

COUNT V: TRESPASS TO CHATTELS

76. Plaintiffs incorporate the aforementioned allegations by reference as if set forth at length herein.

77. Defendants unlawfully interfered with Plaintiffs' possession of personal property and injured Plaintiffs' personal property.

78. Defendants are liable for the change of condition and for damages to said personal property.

WHEREFORE, Plaintiffs demand Judgment against all Defendants, jointly and severally, for:

- A. Compensatory damages.
- B. Special Damages.
- C. Punitive damages.

- D. Costs of suit and counsel fees.
- E. Prejudgment and post judgment interest.
- F. For such further relief as is fair and equitable.

COUNT VI: MISAPPROPRIATION OF NAME/IMAGE/LIKENESS
INVASION OF PRIVACY

79. Plaintiffs incorporate the aforementioned allegations by reference as if set forth at length herein.

80. Without Craig Chiulli's consent or agreement, Defendants publicly exposed Plaintiff Craig Chiulli's identity, name, image, and/or likeness for Defendants' own beneficial purposes with such exposure not being by the press for giving publicity to news or matters of public interest.

81. Said use was the cause of the Plaintiffs' injuries/damages/losses.

WHEREFORE, Plaintiffs demand Judgment against all Defendants, jointly and severally, for:

- A. Compensatory damages.
- B. Special Damages.
- C. Punitive damages.
- D. Costs of suit and counsel fees.
- E. Prejudgment and post judgment interest.
- F. For such further relief as is fair and equitable.

COUNT VII: FALSE LIGHT INVASION OF PRIVACY

82. Plaintiffs incorporate the aforementioned allegations by reference as if set forth at length herein.

83. Without Plaintiff Craig Chiulli's consent or agreement, Defendants gave publicity to a matter concerning Plaintiff Craig Chiulli that was false.

84. Defendants either knew that the publicized material was false and would place the Plaintiff Craig Chiulli in a false light or acted with reckless disregard as to whether the publicized material was false and the false impression created by the publicized matter.

85. The material so misrepresented Plaintiff Craig Chiulli's character, history, activities, or beliefs that a reasonable person in Plaintiff Craig Chiulli's position would find the material highly offensive.

86. The publicity was the cause of the Plaintiffs' injuries/damages/losses.

87. Defendants invaded Plaintiff's right of privacy by publicly portraying Craig Chiulli in a false light which is highly offensive to a reasonable person.

WHEREFORE, Plaintiffs demand Judgment against all Defendants, jointly and severally, for:

- A. Compensatory damages.
- B. Special Damages.

- C. Punitive damages.
- D. Costs of suit and counsel fees.
- E. Prejudgment and post judgment interest.
- F. For such further relief as is fair and equitable.

COUNT VIII: INTERFERENCE WITH PROSPECTIVE ECONOMIC ADVANTAGE

88. Plaintiffs incorporate the aforementioned allegations by reference as if set forth at length herein.

89. Intentionally and without justification or excuse, Defendants interfered with Plaintiffs' economic relationships with others and/or prospective economic advantage.

90. Said interference proximately caused the Plaintiffs to sustain damages.

WHEREFORE, Plaintiffs demand Judgment against all Defendants, jointly and severally, for:

- A. Compensatory damages.
- B. Special Damages.
- C. Punitive damages.
- D. Costs of suit and counsel fees.
- E. Prejudgment and post judgment interest.
- F. For such further relief as is fair and equitable.

COUNT IX: DEFAMATION

91. Plaintiffs incorporate the aforementioned allegations by reference as if set forth at length herein.

92. The Defendants made, disseminated, and published defamatory statements about the Plaintiff Craig Chiulli.

93. Said Defendants knew said statements were false, acted in reckless disregard to the truth or falsity of said statements, and/or acted negligently in failing to ascertain the truth or falsity of such statements.

94. As a direct and proximate result of said statements, the character and reputation of the Plaintiffs have been damaged, Plaintiff Craig Chiulli's professional career has been damaged, the Plaintiffs have suffered from emotional distress as a result of the resultant impact on reputation and character and the Plaintiffs have otherwise been harmed.

WHEREFORE, Plaintiffs demand Judgment against all Defendants, jointly and severally, for:

- A. Compensatory damages.
- B. Special Damages.
- C. Punitive damages.
- D. Costs of suit and counsel fees.
- E. Prejudgment and post judgment interest.
- F. For such further relief as is fair and equitable.

COUNT X: INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

95. Plaintiffs incorporate the aforementioned allegations by reference as if set forth at length herein.

96. Defendants engaged in extreme and/or outrageous conduct directed to the Plaintiffs in a fashion intended to produce emotional distress or recklessly in deliberate disregard of a high degree of probability that emotional distress would follow.

97. Said misconduct proximately caused the Plaintiffs to suffer emotional distress, injuries, and damages so severe that no reasonable person could be expected to endure it.

WHEREFORE, Plaintiffs demand Judgment against all Defendants, jointly and severally, for:

- A. Compensatory damages.
- B. Special Damages.
- C. Punitive damages.
- D. Costs of suit and counsel fees.
- E. Prejudgment and post judgment interest.
- F. For such further relief as is fair and equitable.

COUNT XI: NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS

98. Plaintiffs incorporate the aforementioned allegations by reference as if set forth at length herein.

99. Defendants negligently, and/or grossly negligently, engaged in extreme and/or outrageous conduct directed to the Plaintiffs in a fashion intended to produce emotional distress or in negligent disregard of a high degree of probability that emotional distress would follow.

100. Said misconduct proximately caused the Plaintiffs to suffer emotional distress, injuries, and damages so severe that no reasonable person could be expected to endure it.

101. There was immediate physical impact and injury, and/or the emotional distress resulted in substantial bodily injury and/or sickness, and/or special circumstances guarantee the likelihood of a genuine and serious claim for emotional distress.

WHEREFORE, Plaintiffs demand Judgment against all Defendants, jointly and severally, for:

- A. Compensatory damages.
- B. Special Damages.
- C. Punitive damages.
- D. Costs of suit and counsel fees.
- E. Prejudgment and post judgment interest.
- F. For such further relief as is fair and equitable.

COUNT XII: NEGLIGENT ENTRUSTMENT

102. Plaintiffs incorporate the aforementioned allegations by reference as if set forth at length herein.

103. Defendant Shannon M. Faught entrusted Defendant Donald W. Faught, Jr. with computer equipment, telecommunication equipment, an Internet connection and other tangible and/or intangible items and/or instrumentalities in which she had an ownership interest and/or was otherwise in control thereof.

104. The entrustee, Defendant Donald W. Faught, Jr. was incompetent, unfit, inexperienced, or reckless;

105. The entrustor, Defendant Shannon M. Faught, knew, should have known, or had reason to know of the entrustee's condition and/or malicious proclivities;

106. The entrustment created an appreciable risk of harm to others; and

107. The harm to the Plaintiffs was caused by the negligence of the entrustor and the entrustee.

WHEREFORE, Plaintiffs demand Judgment against all Defendants, jointly and severally, for:

- A. Compensatory damages.
- B. Special Damages.
- C. Punitive damages.
- D. Costs of suit and counsel fees.
- E. Prejudgment and post judgment interest.
- F. For such further relief as is fair and equitable.

COUNT XIII: AIDING AND ABETTING IN WRONGFUL ACTS

108. Plaintiffs incorporate the aforementioned allegations by reference as if set forth at length herein.

109. Defendants performed wrongful acts that caused Plaintiffs to suffer injuries.

110. All Defendants were generally aware of their role as part of an overall illegal or tortious activity at the time they provided assistance to the other Defendants.

111. All Defendants knowingly and substantially assisted in the principal wrongful acts described above.

112. Therefore, all Defendants are equally and vicariously liable to the Plaintiffs.

WHEREFORE, Plaintiffs demand Judgment against all Defendants, jointly and severally, for:

- A. Compensatory damages.
- B. Special Damages.
- C. Punitive damages.
- D. Costs of suit and counsel fees.
- E. Prejudgment and post judgment interest.
- F. For such further relief as is fair and equitable.

COUNT XIV: CIVIL CONSPIRACY

113. Plaintiffs incorporate the aforementioned allegations by reference as if set forth at length herein.

114. Two or more of the Defendants entered into an agreement and/or confederation with a common design to perpetrate the above described wrongful actions for an unlawful purpose or for a lawful purpose to be achieved by unlawful means.

115. The Defendants committed said above described wrongful actions in furtherance of said agreement and/or confederation.

116. Plaintiffs suffered damages as a result of said above described wrongful actions.

117. Therefore, all Defendants are equally and vicariously liable to the Plaintiffs.

WHEREFORE, Plaintiffs demand Judgment against all Defendants, jointly and severally, for:

- A. Compensatory damages.
- B. Special Damages.
- C. Punitive damages.
- D. Costs of suit and counsel fees.
- E. Prejudgment and post judgment interest.
- F. For such further relief as is fair and equitable.

COUNT XV: LOSS OF CONSORTIUM

118. Plaintiffs incorporate the aforementioned allegations by reference as if set forth at length herein.

119. At all relevant times, Plaintiffs were husband and wife.

120. As a direct and proximate result of the injuries suffered by Plaintiff Craig Chiulli, Plaintiff Nicole Chiulli has and will in the future suffer the loss of the usual services and consortium of Plaintiff Craig Chiulli and has been required to provide special services and care for him.

121. As a direct and proximate result of the injuries suffered by Plaintiff Nicole Chiulli, Plaintiff Craig Chiulli has and will in the future suffer the loss of the usual services and consortium

of Plaintiff Nicole Chiulli and has been required to provide special services and care for her.

WHEREFORE, Plaintiffs demand Judgment against all Defendants, jointly and severally, for:

- A. Compensatory damages.
- B. Special Damages.
- C. Punitive damages.
- D. Costs of suit and counsel fees.
- E. Prejudgment and post judgment interest.
- F. For such further relief as is fair and equitable.

ROTOLO KARCH LAW
Attorneys for Plaintiffs

Date: 6/18/21

By: 

VICTOR A. ROTOLO, ESQ.

JURY DEMAND

Plaintiffs demand a trial by jury as to all issues raised in this Complaint.

ROTOLO KARCH LAW
Attorneys for Plaintiffs

Date: 6/18/21

By: 
VICTOR A. ROTOLO, ESQ.

DESIGNATION OF TRIAL COUNSEL

Plaintiffs designate Victor A. Rotolo, Esq. as trial counsel in this case.

NOTICE OF OTHER ACTIONS PENDING

The matter in controversy is not the subject of any other civil action pending in any court, or of any pending arbitration or administrative proceeding except that, upon information and belief, the Defendants may be subject to a criminal prosecution.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

By: 
VICTOR A. ROTOLO, ESQ.

Executed on: 6/18/21

EXHIBIT A

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#craigchiulli

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69



Christian Bobak @ChristianBobak · Jun 23, 2020
FYI, here is an example of "racism in any form" by #CraigChiulli, head of global marketing strategy for Janssen.

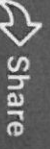
Craig Chiulli
MAKE ALL ABORTIONS BLACK
BABIES



Jug Radlips
Maga



Adam Moncivaez



Write a comment...



Kevin Corke @kevincorke · Jun 22, 2020
#COVID-19 is weakening, could die out without vaccine, specialist claims

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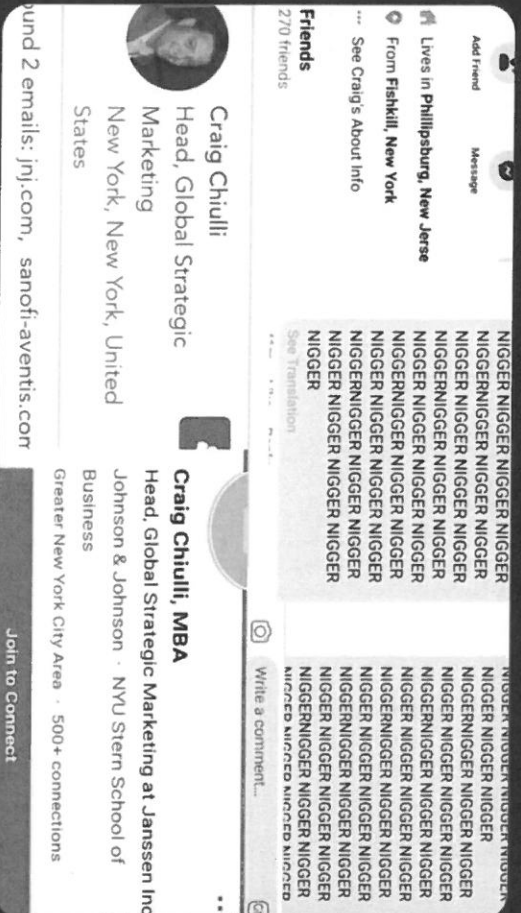
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Cassie @CasTalksALot · Jun 22, 2020

Good. Because if Johnson&Johnson is in charge of it, we may be in trouble. This is **#CraigChiulli**, head of global marketing strategy for @JanssenGlobal, the pharmacy division of @JNJNews.



Jina Huh 🇺🇸 @jina_huh · Jun 22, 2020

Replying to @jina_huh @CasTalksALot and @JanssenGlobal
Update 2 (below). Good morning @JanssenGlobal @JNJNews ☀️: PLEASE DO NOT REST until you know *for sure* what happened. I'm attaching

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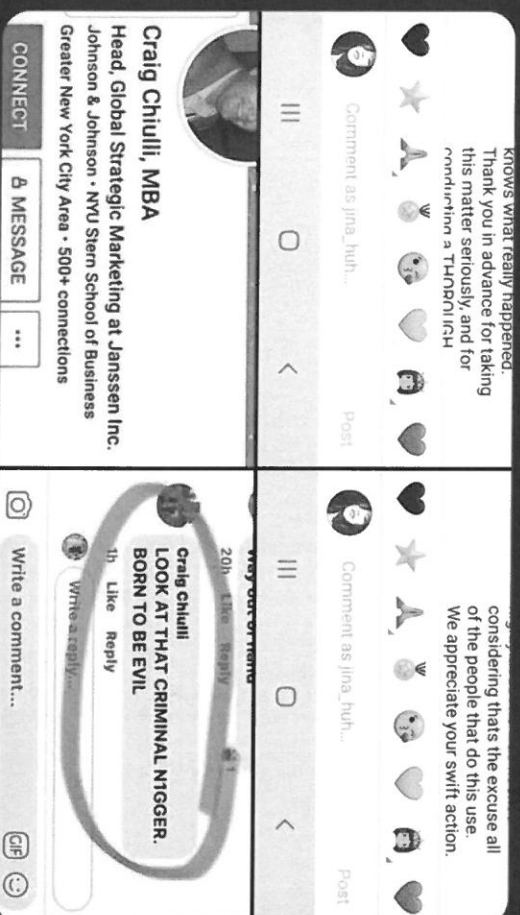
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Update 2 (below). Good morning @JanssenGlobal @JUNews ☀️: PLEASE DO NOT REST until you know *for sure* what happened. I'm attaching screenshots of what has been reported on social media. #CraigChiulli [Tweet 1/X]



Jina Huh 🇺🇸 📷 @jina_huh · Jun 22, 2020

Replying to @jina_huh @CassTalksALot and 2 others [Tweet 2/2]:



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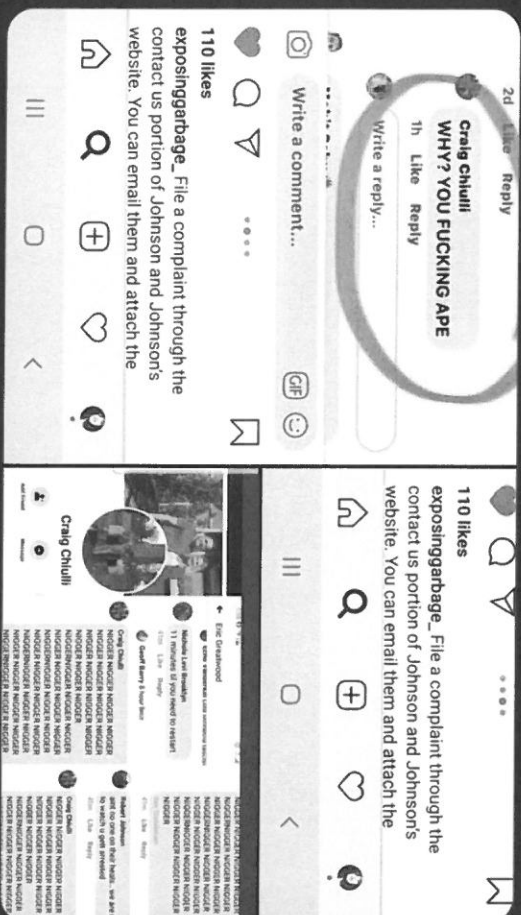
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Jina Huh @jina_huh · Jun 22, 2020
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[Tweet 2/2]:



Jina Huh @jina_huh · Jun 22, 2020
Good morning @JanssenGlobal @JanssenUS @JNNews: What did you discover after investigating #CraigChiulli? Is he still a J&J/Janssen employee? See attached --- disturbing comments. We would like an update.
#BlacklivesMatter

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Craig Chiulli

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Lives in Phillipsburg, New Jersey

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Jung Radlups

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Adam Moncivaz

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Charlie Kirk



Bernese Mountain Dog Rescue

NJ NJ.com

Kay Bee

Kay Bee
Jun 21 at 8:12 AM ·

May I introduce Craig Chiulli, the head of Global Strategic Marketing for Johnson & Johnson.



Cassie @CassTalksALot · Jun 20, 2020

Replying to @JanssenGlobal

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
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Cassie @CassTalksALot · Jun 20, 2020
Replying to @JanssenGlobal
Do you really? Isn't this your head of global marketing strategy?



Craig Chiulli
Head, Global Strategic Marketing
New York, New York, United States



Craig Chiulli, MBA
Head, Global Strategic Marketing at Janssen Inc
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Lives in Phillipsburg, New Jersey
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Jina Huh 🇺🇸 @jina_huh · Jun 21, 2020
Good morning Cassie ☁️: Do you have the @ for the JNJ/Janssen executives -- including an HR exec -- who need to know about #CraigChiulli? We should tag them. Please see attached. PS. Thank you for speaking up!


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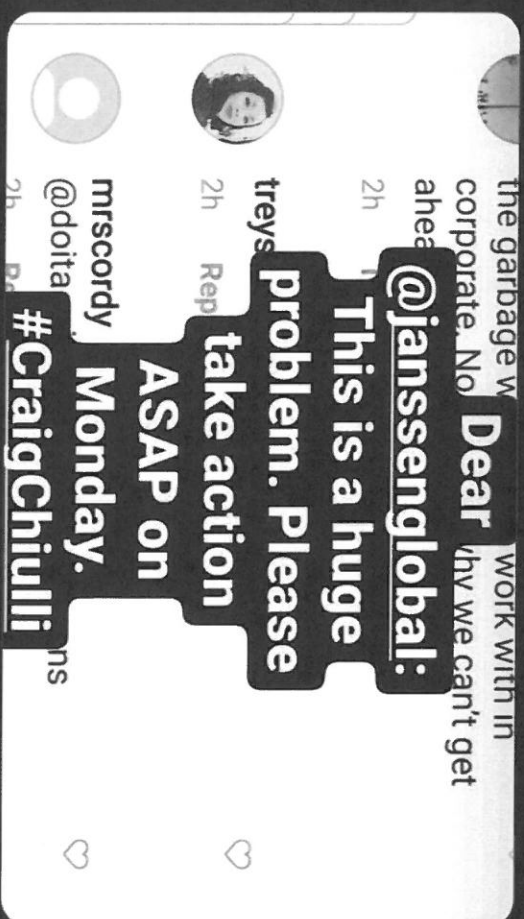
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Jina Huh @jina_huh · Jun 21, 2020

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Jina Huh  @jina_huh · Jul 22, 2020

Replying to @jina_huh @CassTalksALot and 2 others

Good morning @JanssenGlobal @JanssenUS @JNNews: What did you discover after investigating #CraigChiulli? Is he still a J&J/Janssen employee? See attached -- disturbing comments. We would like an update.
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Craig Chiulli

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Write a comment...

Following

Charlie Kirk

Bernese Mountain Dog Rescue

See All

10:14

Kay Bee

Jun 21 at 8:12 AM ·

May I introduce Craig Chiulli, the head of Global Strategic Marketing for Johnson & Johnson.

Johnson & Johnson  @JNNews · Jul 26, 2020

We do not tolerate racism in any form and are saddened for all exposed to these hateful comments. With the help of law enforcement authorities, and a thorough investigation, we found that this employee's account was hacked and these posts were written by the hacker.

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Johnson & Johnson  @JNNews

At Johnson & Johnson, we blend heart, science and ingenuity to profoundly change the trajectory health for humanity. Follow us to more and connect.



Jina Huh  @jina_huh

Writer/researcher/strategist (PR).

@TimeInc @CondeNast

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1



1



Replies



Jina Huh @jina_huh · Jul 27, 2020
Replying to @JN/News

Dear @JN/News: Thank you for taking the time to write a thoughtful reply, and for reiterating that J&J does not tolerate #racism. Very odd situation. Thinking out loud: Who would hack him; and why? Who are his enemies? All my best, Jina.



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Gary Chambers @GaryChambersJr · Feb 27
I'm not new at this, I'm true at fighting for THE PEOPLE.

I've been arrested for fighting for the people. I've been talked about, lied on, lied to, and everything in between. I kept showing up. We kept making change happen.
(Read both tweets) Share and help us spread the word.

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